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EXAMINER	
HAILU, TADESSE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,185	BREINBERG, STEVEN ADAM	
	Examiner	Art Unit	
	Tadesse Hailu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/2/2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,20,26 and 35* is/are rejected.

7)☐ Claim(s) *1-14,16-19,21-25,27-34 and 36-40* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the patent application (09/682,185) filed August 2, 2001.

Status of the claims

2. The pending claims 1-40 are examined as follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 38-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 38-40 recite the limitation "the system of claim 32" in line 1 of each respective claims. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-14, 16-19, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Breinberg et al (US Pat No 5,886,694).

The present invention is related to software user interface windows, and in particular, to a system and method for automatically and dynamically sizing and positioning controls, including buttons, text, and other elements within a dialog window, or the like, of a computer software application. Similarly, Breinberg et al relates to software user interfaces and, more particularly, to methods for sizing and positioning controls within a dialog window of a computer program (see Breinberg et al, column 1, lines 5-7). Subsequently, Breinberg et al anticipate the claimed invention.

With regard to claims 1 and 21:

Breinberg discloses a system for automatically laying out frame objects within a dialog window (Fig. 5, column 3, lines 25-27). The system is performed in two stages: a specification stage and a layout stage (see abstract):

In the specification stage, a dialog window is subdivided into multiple nested rectangular frames (e.g. Figs. 1A-1D). The set of frames for a dialog window forms a hierarchical tree of frames. As illustrated in the above Figs. 1B-1D, the system specifies one or more automatically resizable frames, such as control frames 124, 126, and 128 that are laying within a parent frame 134. Similarly, control frames 130 and 132 are laying within a parent frame 136. Again, frame 134 and 136 are laying in a hierarchical tree structure within a parent frame 138 and parent frame 138 are laying within a dialog window 102 (column 5, lines 17-65; column 6, lines 47-65; column 7, lines 49-57). Said control frames 124, 126 and 128 each encompasses or includes at least one child frame, such as 104, 106, and 108 respectively. Furthermore, control

frames 134 and 136 encompass or include at least one child frame, such as 116 and 118 respectively (FIG, 1B, column 5, lines 17-22).

In the layout stage, an autolayout engine traverses the tree of frames twice determining the final position and dimension of each frame, and therefore each control, within the dialog window. The first traversal of the frame tree occurs from the bottom to the top, in post order sequence. This stage includes hierarchically computing a size of each resizable frame based on the hierarchical tree structure (interrelationship) (Fig. 2, column 5, lines 58-65), beginning with any child elements within each frame, up to the parent window, and then back down to the individual child elements within each frame (Abstract, column 1, lines 59-column 2, lines 11; column 4, lines 46-64; column 6, lines 34-46; column 7, lines 7-42);

The autolayout engine determines the minimum required size of the Leaf Frames, each of which corresponds to at least one control. The autolayout engine then continues up the frame tree, determining the minimum required size of each frame, based on its child frames and other requirements of the frame (column 4, lines 46-64). The autolayout engine creates minimum number of horizontal frames such as frames 134 and 136 within parent frame 138 for displaying each of child controls 104, 106, 108, 116, and 118 within each automatically resizable frame 134 and 136 respectively (Figs. 1B-1D, column 2, lines 28-43; column 7, lines 49-65).

The autolayout engine determines the initial dimensions of each frame that has an associated control. The autolayout engine further orders a Horizontal Frame's

children. Child frames of a Horizontal Frame are horizontally arranged from left to right, as depicted in FIG. 1B (column 5, lines 41-57).

With regard to claim 2:

As illustrated in Figs 1A-1D, Breinberg discloses a dialog window 102 that is subdivided into multiple nested rectangular resizable frames 124, 126, and 128.The nested frames further include child controls (child elements) 104, 106, and 108 respectively.

With regard to claim 3:

As illustrated In Fig. 1D, the dialog window 102 is resized, and control frames 124, 126 and 128 within frame 134 are automatically arranged by autolayout engine as the dialog window 102 is resized (column 4, lines 46-56; column 10, lines 18-36; column 11, lines 1-8).

With regard to claim 4:

Since Breinberg discloses a computer program (e.g. windows 95 Operating System) having a graphical user interface (GUI) to display a window containing controls, it is typical for a user to be able to manipulate, resize, minimize, or maximize the displayed window (column 9, lines 19-27).

With regard to claim 5:

Breinberg also discloses that the system automatically resizes and repositions controls within a dialog window, even if the text has changed in size (column 2, lines 56-67).

With regard to claim 6:

Breinberg also discloses *SetHorizontalMarginXX(), SetVerticalMarginXX()*: These methods set the horizontal margin and the vertical margin, respectively. Breinberg et al also discloses SetChildrenMarginXX(): This method sets the vertical margin for all of the Vertical Frame's child frames to the amount indicated by an argument to the method. Fig. 12, illustrates a Table Frame 1202 that has an associated horizontal margin 1216 between each column of frames, and a vertical_margin 1218 between each row of frames (Fig.12, column 20, lines 8-25; 35-45).

With regard to claim 7:

During adjusting of a frame, the autolayout specification module invokes one or methods including SetWidthDigits methods. The SetWidthDigits method expands the display area of the fmOffset (specified offset or amount) (column 26, lines 44-48). As illustrated in FIG. 1C, the Figure shows the adjusted dimensions of the Vertical Frame 136 and its child Control Frames 130 and 132 as adjusted by autolayout engine by a specified amount (Fig. 1C, column 7, lines 23-37; column 11, lines 9-19).

With regard to claim 8:

Breinberg also discloses that in response to an invocation of the Indent() method, the mechanism of the Breinberg's invention performs necessary adjustments to the target frame in two steps. At step 608 (FIG. 6) in the calculation of constraints for the target frame, the autolayout engine expands the frame horizontally by the amount required to accommodate the designated number of indentation levels.

FIG. 18A illustrates the effects of the above-described adjustments. The number input control 1830 and its associated text strings are indented by the width of a check box (Fig. 18, column 12, lines 24-33; column 26, lines 50-63).

With regard to claim 9:

Breinberg also discloses invoking AlignChildrenNW() methods by autolayout engine for aligning the child frames. FIG. 9A is a block diagram of Horizontal Frame illustrating the alignment of child frames and Fig. 9B shows the effect of the alignment, wherein the set of child frames 910, 912 and 914 illustrates the result of invoking AlignChildrenCenter() on the Horizontal Frame 902 (column 5, lines 41-57; column 18, 19-38).

With regard to claim 10:

Breinberg also discloses that a Horizontal Frame designates that its child frames are to be vertically aligned and horizontally spaced apart. The Horizontal Frame 138 specifies that the top borders of the Vertical Frames 134 and 136 to be vertically aligned, so that both top borders have the same y coordinate position. The actual alignment is shown in FIG. 1D (column 5, lines 41-48).

With regard to claim 11:

Breinberg also discloses that a Vertical Frame specifies that its child frame to be horizontally aligned and vertically spaced apart. As illustrated in Fig. 9B, the left borders of the child frames 922, 924 and 926 are horizontally aligned with each other, and the frames are pulled toward the top border of the Vertical Frame 921. The child frames 928, 930 and 932 illustrate the result of invoking AlignChildrenCenter() on the

Vertical Frame 921. The horizontal centers of the child frames 928, 930 and 932 are horizontally aligned with each other and with the horizontal center of the Vertical Frame 921 (Fig. 9B, column 18, 19-38).

With regard to claim 12:

As Illustrated in Figs. 1B-1D, the three Control Frames 124, 126, and 128 are thus the "child frames" of the Vertical Frame 134. Furthermore, a Vertical Frame specifies that its child frame to be horizontally aligned and vertically spaced apart. As Illustrated further in Figs. 1B-1D, a "Horizontal Frame" 138 contains the two Vertical Frames 134 and 136. A Horizontal Frame designates that its child frames are to be vertically aligned and horizontally spaced apart. The actual alignment is shown in FIG. 1D (column 5, lines 23-57).

With regard to claim 13:

Breinberg also discloses that autolayout engine determines whether there exists a specification to expand the display area of the content frame to fill the frame's packaging area (rectangular area, e.g., Fig. 1D, #150). Based on the determination result the autolayout engine expands the display area of the current frame to fill the current frame's packing area. FIG. 1D illustrates the Horizontal Frame 138 and the Vertical Frames 134 and 136 after the performance of step (706, Fig. 7) expanding each of these frames to fill their respective packing areas in the horizontal direction (Fig. 7, column 13, lines 8-39; column 13, lines 40-67).

With regard to claim 14:

Breinberg also discloses that the autolayout engine equally distributing at least one child frames or controls within at least one of the horizontal frames. The distribution of children as a result of the DistributeChildren() method occurs at step 716 (FIG. 7) (column 19, lines 17-30; column 19, lines 58-column 20, lines 6).

With regard to claims 16, and 25:

Breinberg's autolayout engine accounts (determines and reports) for any extra height resulting from additional rows of tabs (control elements) within at least one dynamically created frame (column 16, lines 60-65; column 27, lines 36-61).

With regard to claim 17:

Breinberg discloses a method (ExpandChildrenToFillHorizontal()), wherein this method cause the target frame's child frames to expand in the specified direction up to the target frame's border (column 18, lines 40-51).

With regard to claims 18 and 19:

As illustrated in Figs. 1A-1D, the child elements 104, 106, and 108, include 110, 112, and 114 text labels, respectively.

With regard to claim 22:

Breinberg's autolayout accounts for automatically computing a size of each dynamically resizable frame based on a hierarchical tree structure which defines a structural relationship between each dynamically resizable frame and each control within each dynamically resizable frame within the parent window (column 1, lines 59-column 2, lines 11; column 2, lines 56-62; column 4, lines 46-56).

With regard to claim 23:

Breinberg's autolayout resizes a window, and wherein controls within at least one dynamically resizable frame are automatically arranged as the window is resized (column 2, lines 56-62).

With regard to claim 24:

Breinberg's autolayout engine accounts for customizing the elements within at a least one of the automatically created horizontal rows of at least on of the dynamically resizable frames by specifying one or more of the following process (column 2, lines 56-67; column 3, lines 1-6; column 13, lines 17-29; column 27, lines 35-59). Breinberg further discloses specifying margin between the horizontal rows (SetMargin()) (column 15, lines 65-column 16, lines 100).

Breinberg further discloses a preferred width (SetWidth()) of at least one of the dynamically resizable frames (column 16, lines 22-29).

Breinberg further discloses a preferred indenting (indent ()) of at least one of the horizontal rows (column 15, lines 46-51).

Breinberg further discloses a preferred vertical and horizontal alignment (alignchildren ()) of at least one control within at least one horizontal rows (column 17, lines 53-column 18, lines 18).

Breinberg further discloses vertical and horizontal distribution (DistributeChildren()) of controls within at least one of the horizontal rows (column 19, lines 58-64).

Furthermore, Breinberg further discloses a preferred expansion (ExpandChildreenToFillHorizontal()) of at least one control within at least one of the horizontal rows (column 18, lines 39-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 27-34, and 36-40 are rejected under 35 U.S.C. 103(a) as being obvious over Breinberg et al (US Pat No 5,886,694) in view of Admitted Prior Art (paragraph [0011])

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and

reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

With regard to claim 27:

Breinberg also discloses a computer-readable medium having computer executable instructions (see Breinberg's claim 29) for automatically organizing elements within a user resizable dialog window (Fig. 1D, column 2, lines 56-67).

As illustrated in Figs. 1A-1B, the computer executable instructions also includes adding a set of frames, such as vertical frames 134 and 136 and horizontal frame 138 of Fig. 1B, to a dialog window 102 of Fig. 1A (a parent window) (column 17, lines 48-52). These frames are automatically resizable (reconfigurable) (column 2, lines 56-67; column 8, lines 3-16).

The computer executable instructions also include inserting at least one child element into at least one automatically reconfigurable frame (column 5, lines 17-57; column 8, lines 3-16). As illustrated in Figs. 1B-1D, the set of frames Breinberg discloses forms a hierarchical tree of frames, where each frame encompasses all of its child frames. Thus, for example, frames 124, 126, and 128 are child frames (child

elements) for frame 134. As the same time frames 130 and 132 are child frames for frame 136.

In response to an invocation of the Indent() method (column 15, lines 46-51) the computer executable instructions specifies indenting rules for at least one of the child elements. For example, as illustrated in Fig. 1D, the child frames 124, 126, and 128, and also 130 and 132 are indented to the left and right edge of each respective frames.

Breinberg discloses automatically resizing/expanding, indenting or arranging frames in a horizontal or vertical direction (column 2, lines 56-67; column 8, lines 3-16). Also, while Breinberg discloses displaying child frames (e.g. 134 and 136, Figs.1B-1D) horizontally within parent Frame 138. But Breinberg does not expressly disclose wrapable horizontal rows within at least a frame. But, the Admitted prior art discloses this shortcoming.

The Admitted prior art reads "*If the horizontal space in the container, or frame within the container, is too small to put all the components in one row, FlowLayout automatically uses multiple rows to display the components by automatically wrapping the control or controls, as necessary to the next row.*" (See Background of Invention, paragraph [0011]).

The admitted prior art and Breinberg are analogous art because they are from similar problem solving area, graphical user interface (GUI).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide Breinberg with instruction, that is, an instruction that wraps one or more controls to the next horizontal row as describes in the Admitted Prior Art in

order to provide means to address the problem of clipping or hiding controls when reducing the size of a dialog window (see Admitted Prior art, [0011]).

With regard to claim 28:

Breinberg in view of *the admitted prior art* further discloses creating a hierarchical tree structure that defines a structural relationship between each resizable frame and each child element within the parent window (Figs. 2, 16 and 19A; column 6, lines 33-54).

With regard to claim 29:

Breinberg in view of *the admitted prior art* further discloses using the hierarchical tree structure to automatically compute a size of each resizable frame (abstract, column 2, lines 28-43; column 4, lines 46-56; column 6, lines 47-65; column 11, lines 27-38).

With regard to claim 30:

Breinberg in view of *the admitted prior art* further discloses a capability of nesting any number of frames within at least one automatically reconfigurable frame, with at least one nested frame further including any number of child elements (Figs.1B-1D). As illustrated in these Figs. 1B-1D, the frames, 124, 126 and 128 are nested within parent frame 134; and similarly, frames 130 and 132 are nested with parent frame 136. Parent frames 134 and 136 are further nested within parent frame 138 (Abstract, column 5, lines 17-57).

With regard to claim 31:

Breinberg in view of *the admitted prior art* further discloses several instructions for specifying margins, For example, SetMarginXX() instruction (column 15, lines 66-column 16, lines 10) sets the margin for frames that are child frames of Horizontal or Vertical Frames; and SetChildrenMarginXX() (column 20, lines 21-25), and SetMarginXX method (column 20, lines 42-45).

Breinberg in view of *the admitted prior art* further discloses several instructions for specifying width, for example, SetWidthXX (column16, lines 22-36) specifies the width of the frame. Furthermore, during the calculation of constraints, the autolayout engine determines the minimum frame width of a Horizontal Frame to be equal to the total width of its child frames and their corresponding margins (column 18, lines 59-column 19, lines 2).

Breinberg in view of *the admitted prior art* further discloses several instructions for specifying indenting width. For example, Indent ()(column 15, lines 46-65) causes the frame to be indented to the right one or more levels. An argument to this method specifies the number of indentation levels. A level is equivalent to the width of a check box bitmap plus an amount of space between the check box and the text of a check box control (see also, Fig. 1D).

With regard to claim 32:

Breinberg in view of *the admitted prior art* further discloses a preferred vertical and horizontal alignment (alignchildren ()) of at least one control within at least one horizontal rows (column 17, lines 53-column 18, lines 18).

With regard to claim 33:

Breinberg in view of *the admitted prior art* further discloses automatically vertically distributing (DistributeChildren()) at least one automatically reconfigurable frame to fill an available vertical space within the at least one automatically reconfigurable frame (column 19, lines 58-column 20, lines 6; column 25, lines 54-59; column 26, lines 61-column 26, lines 5).

With regard to claim 34:

Breinberg in view of *the admitted prior art* further discloses that the autolayout engine equally distributing at least one child frames or controls within at least one of the horizontal frames. The distribution of children as a result of the DistributeChildren() method occurs at step 716 (FIG. 7) (column 19, lines 17-30; column 19, lines 58-column 20, lines 6).

With regard to claim 36:

Breinberg in view of *the admitted prior art* further discloses that the autolayout engine accounts (determines and reports) for any extra height resulting from additional rows of tabs (control elements) within at least one dynamically created frame (column 16, lines 60-65; column 27, lines 36-61).

With regard to claim 37:

Breinberg in view of *the admitted prior art* further discloses a method (ExpandChildrenToFillHorizontal()), wherein this method cause the target frame's child frames to expand in the specified direction up to the target frame's border (column 18, lines 40-51).

With regard to claim 38:

Breinberg in view of *the admitted prior art* further discloses automatically aligning at least one child element comprises vertically aligning the at least one child element within at least one dynamically created wrapable horizontal row (column 17, lines 53-column 18, lines 18).

With regard to claim 39:

Breinberg in view of *the admitted prior art* further discloses that the autolayout engine aligns horizontally the at least one child element (child frame 134, Fig. 1D) within at least one dynamically created wrapable horizontal row (see Fig. 1D).

With regard to claim 40:

Breinberg in view of *the admitted prior art* further discloses different alignment specifications that are available for aligning the child frames of a parent frame. A Horizontal Frame contains child frames that are vertically aligned and horizontally spaced apart; and a Vertical Frame contains child frames that are horizontally aligned and vertically spaced apart (column 20, lines 8-20). Also, as illustrated in Figs. 1B-1D, frames 134 and 136 are horizontally automatically aligned within their parent frame 138, whereas frames 124, 126 and 128 are vertically aligned with their parent frame 134.

Allowable Subject matter

6. Claims 15, 20, 26, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

April 26, 2004